

### Key to Commenters of Draft Regulation SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment

Commenter Name and Affiliation	Commenter ID / RTC No.	Date Comments Received
Michael Garabedian, Friends of the North Fork of the American River Group	01	27-Nov-17
Glenn Reynolds, Water Solutions Incorporated	02	29-Nov-17, with clarifications on 05-Dec-17
Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action	03	30-Nov-2017 17-Jan-2018
Cindy Ziernicki, Helix Water District	04	4-Jan-18
Alan Tandy, City of Bakersfield	05	9-Jan-18
Andrew DeGraca, San Francisco Public Utilities Commission	06	17-Jan-18

**Category Keys Refer to the Sections of the Draft Regulation SBDDW-17-003 Point-of-Use and Point-of-Entry Treatment**

Category	Sections		Topic
	POU	POE	
A-			Support of the Proposed Regulations
B-	64417	64419	Definitions
C-	64418	64420	General Provisions
D-	64418.1	64420.1	Immediate Economic Feasibility of Centralized Treatment
E-	64418.2	64420.2	Requirements
F-	64418.3	64420.3	Treatment Strategy
G-	64418.4	64420.4	Operations and Maintenance (O&M) Program
H-	64418.5	64420.5	Monitoring Program
I-	64418.6	64420.6	Public Hearing and Acceptance
J-	64418.7	64420.7	Recordkeeping and Reporting
K-	64418.8	64420.8	Compliance
L-			General Comments/Questions not Related to the Text of the Proposed Regulations

**Draft Response to Oral Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/ Organization	Comment ID	Comment Topic	Comment	Draft Response
01	Michael Garabedian, Friends of the North Fork of the American River Group	01	L - General comments/questions	I'd like to receive a copy of the PowerPoint (presentation).	The PowerPoint presentation was emailed to Mr. Garabedian on November 27, 2017.
01	Michael Garabedian, Friends of the North Fork of the American River Group	02	L - General comments/questions	How many services/districts in the State that have fewer than 200 customers, where are they located, how many are in Placer County and elsewhere throughout the State, is there a list of these systems in Placer County?	<p>The Safe Drinking Water Information System (SDWIS), Drinking Water Watch (DWW) database, which can be found at &lt;<a href="https://sdwis.waterboards.ca.gov/PDWW/">https://sdwis.waterboards.ca.gov/PDWW/</a>&gt;, contains general information about public water systems (PWSs). For example, there were 6,847 PWSs with fewer than 200 service connections in California when this document was prepared. These systems includes:</p> <ul style="list-style-type: none"> <li>- 1,830 community water systems, which include 162 systems with 14 or fewer service connections and 1,668 systems with 15 to 199 connections;</li> <li>- 3,049 noncommunity transient water systems;</li> <li>- 1,464 non-transient noncommunity water systems;</li> <li>- 400 non-public water systems;</li> <li>- 96 state small water systems (i.e., with 5 to 14 service connections);</li> <li>- 8 local state small water systems with fewer than 5 service connections.</li> </ul> <p>Based on the Modified DWW database, Placer County contains exactly 100 water systems administered by the local primacy agency (LPA). LPAs are responsible for community water systems serving fewer than 200 service connections.</p>
01	Michael Garabedian, Friends of the North Fork of the American River Group	03	L - General comments/questions	Who regulates systems with fewer than 200 customers now, what is their compliance record in recent times?	<p>The State Water Board's Division of Drinking Water regulates all public water systems (i.e., water systems that provide water for human consumption to 15 or more service connections, or regularly serves 25 or more people daily for at least 60 days out of the year). Public water systems include community water systems (where people live), nontransient-noncommunity water systems (e.g., schools, businesses), or transient water systems where people that consume the water neither reside nor regularly spend time in these areas (e.g., gas stations, restaurants). This information may be found at &lt;<a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf</a>&gt;.</p> <p>DDW may also delegate the responsibility for the administration and enforcement of drinking water regulations to local health officers by means of a local primacy delegation (local primacy agency, or LPA). In these instances, LPAs are responsible for community water systems serving fewer than 200 service connections. A map of California LPA counties is available at &lt;<a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/sws/2014/SWS-LPA%20District%20Map%2004-01-14.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/sws/2014/SWS-LPA%20District%20Map%2004-01-14.pdf</a>&gt;.</p> <p>Water quality data are available on the website of the State Water Board, DDW. Compliance records are somewhat variable and subject to change.</p>
01	Michael Garabedian, Friends of the North Fork of the American River Group	04	L - General comments/questions	Although the need seems apparent, has this come up as a question of compliance? Are there indications of what the needs are, what is the problem, and what are the devices trying to solve?	<p>As described in the Initial Statement of Reasons, which is available at &lt;<a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/</a>&gt;, PWSs commonly deliver drinking water to consumers via distribution systems, with consumers' service lines being connected to the distribution system. When treatment of certain contaminants is necessary, centralized treatment is typically utilized, ensuring the drinking water within the distribution system, as a whole, meets all drinking water standards. Alternatively, POU can be applied to a single tap (or taps) to reduce the contaminants at that tap only. Similarly, POE provides necessary treatment of the distribution system water at or near the point the water enters a consumer's house or a building, as opposed to providing centralized treatment for the entire distribution system. Health and Safety Code §116380 requires the State Water Board to adopt regulations governing POU and POE treatment, subject to certain limitations, including that they apply only to systems with less than 200 service connections.</p>

**Draft Response to Oral Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/ Organization	Comment ID	Comment Topic	Comment	Draft Response
01	Michael Garabedian, Friends of the North Fork of the American River Group	05	L - General comments/questions	Over the duration of the emergency regulations, how many districts were involved in implementing POU/POE projects?	Surveys of Districts and LPAs on the use of POU's and POE's were conducted around the time of the adoption of the emergency regulations in April 2016, and again in early December 2017. Results from the first survey showed that as of early 2016, at least 84 public water systems were either investigating the use of POU/POE or showing interest in these devices. By December 2017, at least 105 water systems had implemented POU or POE programs or were considering implementing these devices.
01	Michael Garabedian, Friends of the North Fork of the American River Group	06	E - Requirements	Are there any devices that are currently certified by the State?	The state of California does not currently certify devices. The State Water Resources Control Board does maintain a registry of independently evaluated and tested devices to decrease concentrations of contaminants such as arsenic, chromium, lead, nitrate, and organic chemicals, as well as bacteria, viruses and cysts. Current listings of registered devices may be found at < <a href="https://www.waterboards.ca.gov/drinking_water/certlic/device/watertreatmentdevices.shtml">https://www.waterboards.ca.gov/drinking_water/certlic/device/watertreatmentdevices.shtml</a> >. In addition, detailed information was presented at the public workshop webinar held on March 8, 2017, and slides from this workshop are available at < <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poe_pou/2017publicworkshopsou.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poe_pou/2017publicworkshopsou.pdf</a> >.
01	Michael Garabedian, Friends of the North Fork of the American River Group	07	D - Immediate Economic Feasibility of Centralized Treatment	What is the cost of installing them per house, or however they are installed?	The cost varies and depends mainly on the target contaminant(s) and the treatment technology of the POU or POE. Several factors also influence the cost, including the quantity of POU/POE devices to be purchased, and the entity or organization that installs the equipment, conducts the public education program, performs pilot testing and water quality monitoring, conducts equipment replacement and maintenance, etc. Detailed information about capital costs, and operation and maintenance costs is available in the U.S. EPA document titled "Cost Evaluation of Point-of-use and Point-of-entry Treatment Units for Small Systems: Cost Estimating Tool and User Guide" (Office of Water, EPA 815-B-07-001, April 2007). This document is available at < <a href="https://www.epa.gov/sites/production/files/2015-04/documents/epa815b07001.pdf">https://www.epa.gov/sites/production/files/2015-04/documents/epa815b07001.pdf</a> >.
01	Michael Garabedian, Friends of the North Fork of the American River Group	08	C - General Provisions	Which contaminants with MCLs cannot be removed by POU/POE? It seems that this is not a preferred way to treat the water because it does not treat a lot of things. It would be good to know what is treated and not treated.	The proposed §564418(a) and 64420(a) would restrict the use of POU or POE to contaminants with maximum contaminant levels or actions levels other than microbial contaminants, volatile organic chemicals, organic chemicals that pose an inhalation risk, or radon. Thus, contaminants that cannot be removed by POU or POE include the following: <ul style="list-style-type: none"> <li>- All microorganisms such as bacteria, viruses and protozoa;</li> <li>- Volatile organic chemicals: benzene; carbon tetrachloride; 1,2-dichlorobenzene; 1,4-dichlorobenzene; 1,1-dichloroethane; 1,2-dichloroethane; 1,1-dichloroethylene; cis-1,2-dichloroethylene; trans-1,2-dichloroethylene; dichloromethane; 1,2-dichloropropane; 1,3-dichloropropane; ethylbenzene; methyl-tert-butyl ether (MtBE); monochlorobenzene; styrene; 1,1,2,2-tetrachloroethane; tetrachloroethylene; toluene; 1,2,4-trichlorobenzene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; trichlorofluoromethane; 1,1,2-trichloro-1,2,2-trifluoroethane; vinyl chloride; and xylenes.</li> <li>- Non-volatile synthetic organic chemicals that pose an inhalation risk: 1,2-dibromo-3-chloropropane (DBCP); dinoseb; diquat; ethylene dibromide (EDB); hexachlorocyclopentadiene; toxaphene; 1,2,3-trichloropropane</li> <li>- Radon.</li> </ul> Detailed information was presented during the public workshop webinar held on March 8, 2017, and slides from this workshop may be found at < <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poe_pou/2017publicworkshopsou.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/poe_pou/2017publicworkshopsou.pdf</a> >.
01	Michael Garabedian, Friends of the North Fork of the American River Group	09	D - Immediate Economic Feasibility of Centralized Treatment	Assuming there is State money available for the systems, how much has been available over the past years, how many systems have applied to receive funds? What funding is available, what steps have been undertaken to make funds available?	Applications for POU or POE funding are not tracked separately but are considered as part of the overall drinking water financial assistance programs. See also response to written Commenter 03, Comment 06.

**Draft Response to Oral Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/ Organization	Comment ID	Comment Topic	Comment	Draft Response
01	Michael Garabedian, Friends of the North Fork of the American River Group	10	L - General comments/questions	What are transient and non-transient community water systems, and what are their compliance requirements?	Nontransient-noncommunity Water Systems are defined in California Code of Regulations (CCR) §64400.80; Transient-noncommunity Water Systems are defined in CCR §64401.85; and Community Water Systems are defined in CCR §64400.10. This information is also available at < <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/publicwatersystems/class_dec_tree.pdf</a> >. See also response to Commenter 01, Comment 03.
01	Michael Garabedian, Friends of the North Fork of the American River Group	11	C - General Provisions	Which systems or types of systems are not covered by this regulation?	Water system types that can benefit from the proposed regulations are listed in the proposed §§64418 and 64420. In response to the commenter's question, the proposed regulations do NOT apply to new community water systems that do not have domestic water supply permits yet, and water systems with 200 service connections or more. Nor do they apply to any water systems other than public water systems.

**Draft Response to Written Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/Organization	Comment ID	Category	Summarized Comment/ Proposed Regulation Change	Draft Response
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	01	B - Definitions	"I would strongly urge that you encourage Point of Entry and or Point of Use. Point of entry will be MUCH more viable for mobile home treatment where point of use is VERY problematic. point of use will be fine for non transients like a school or business where non drinking use maybe significant and drinking water use is incidental to total water volume. Water fountain at power plant as an example. by using both phrases it will keep folks aware of both options and better align with federal guidance page one first line "Point-of-use treatment device" or "POU" means a treatment device applied to"	Comment noted. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	02	C - General Provisions	"why not just change this to existing public water systems? that way new systems are excluded. first page middle (a) With State Board approval, aA public water system, except for a proposed new community water system that does not have a domestic water supply permit, may be permitted to use point-of-use treatment devices (POUs) in lieu of centralized"	The proposed change in regulation text would alter the intended meaning of the cited text. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	03	E - Requirements	"i would recommend that this be results based not ansi approved! The testing is usually done on specific contaminant challenge levels and if this system exceeds those levels then the "certification" is useless. I would simply require a pilot as the equipment costs less than \$500 and test the result. This allows much lower cost and greater flexibility in equipment selection. page four last paragraph As ensured by the public water system, each POU shall:Each POU must: (1) If theBe independently certified in accordance with an American National Standard Institute (ANSI) has issued a product standard applicable to the specific type of POU, be independently certified in accordance with the"	As noted on page 4 of the Initial Statement of Reasons, "if the American National Standard Institute (ANSI) has issued a standard applicable to the POU, the POU must be certified to that standard by an independent organization", consistent with 42 U.S.C. §300g-1(b)(4)(E)(ii). State regulations cannot be less stringent than federal regulations. In addition, proposed §§64418.2(b) and 64420.2(b) require, with certain exceptions, that pilot testing be performed. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	04	E - Requirements	"this is much harder than it sounds. take for example nitrate. A nitrate resin bed filter for an entire mobile home costs \$1,500. However a hach nitrate analyzer costs \$15,000. I think having a schedule for service validated by testing is a better approach. the only monitor which is cheap and effective is a tds monitor for reverse osmosis systems, but i doubt you have many point of entry systems treating for salt and the site would need to prove that they can use salt as an indicator for the contaminant they are treating. page five: (4) (5) Be equipped with a mechanical warning (e.g. alarm, light, etc.) that alerts users when a unit needs maintenance or is no longer operating in a manner that assures the unit is producing effluent meeting state and federal drinking water standards, unless the device is equipped with an automatic shut-off mechanism that prevents the flow of water under such circumstances; and"	42 U.S.C. §300g-1(b)(4)(E)(ii) requires that POU and POE be equipped with mechanical warnings to automatically notify customers of operational problem. State regulations cannot be less stringent than federal regulations. The proposed §§64418.4 and 64420.4 require water systems to submit and obtain state approval of an operation and maintenance (O&M) program prior to installing POU or POE devices. As part of the O&M program, the State Water Board may consider alternative approaches if the alternatives can ensure safe delivery of treated water and notify customers of operational problems. In addition, the O&M program must include replacement and service schedules for treatment components and treated water quality warning devices. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	05	E - Requirements	"A flow meter seems like a fine requirement, BUT water utilities should not be restricted from using current generation ultrasonic water meters which are awwa approved. (you use the term mechanical meter, which sounds like a mechanical flow meter with a gong attached) Why not just say the installation must have an awwa approved water meter associated with treatment. This would allow point of entry units to use the revenue meter. Since we want to encourage water systems to have water meters this is a double win. Guy Schott in Santa Rosa has small systems with low budget cloud based monitoring which costs only \$40 per month but allows him to real time assist in keeping an eye on the water system. A much better plan than a flow meter with a red flag."	[On December 1, 2017, State Water Board staff asked Mr. Reynolds for clarification about the original comments that he had sent on November 29, 2017. The document that he returned on December 5, 2017 contained this additional comment. This comment is addressed here even though it was received after the November 30, 2017 close of the 45-day comment period. ] Proposed §64418.2(a)(5) includes the following: "If requested by the State Board, [each POU must] be equipped with a totalizing flow meter." §64420.2(a)(5) proposes a similar requirement for POEs. These sections do not restrict flow meters to mechanical flow meters only. No changes to the regulation text are proposed.

**Draft Response to Written Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/Organization	Comment ID	Category	Summarized Comment/ Proposed Regulation Change	Draft Response
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	06	F - Treatment Strategy	"this would be a good location to have language that requires an exterior point of entry as preferred to an interior point of use. For example if you allow point of use on mobile home kitchen sinks, then what about bathroom use and how will you get access to service the unit each month and to test water quality? If the law states that point of use can be used if an explanation as to why point of entry is not viable that would be easy page six: ) The public water system's authority to require customers to accept POUs in lieu of centralized treatment and to take an action, such as discontinuing service, if a customer fails to accept POUs;"	Please see response to Commenter 02, Comment 01.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	07	G - O&M Program	"this has caused issues in the past where the district engineer thought he was responsible for waste tracking of uranium absorption media how about it states that treatment concentrate streams or backwash streams disposal locations have a plan? and not use the words waste handling? page 9: (6) POU wastehandling and disposal procedures."	Proposed §§64418.4(a)(6) and 64420.4(a)(6) would require that water systems submit an O&M program, including waste-handling and disposal procedures. This comment is addressed in the proposed regulation text. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	08	H - Monitoring Program	"the dictionary defines effluent as liquid waste or sewage discharge. Is that what you want to monitor? the permeate is what I want to drink and what you should monitor wrong word and super important. The the Latin means "to flow out" modern is waste page ten (2) POU effluent – initially, with samples collected as soon as possible but no later than 72 hours after a device is installed; and (3) POU effluent, – on-going following the monitoring in paragraph subsection (a)(2) –, annually, with one twelfth of all units sampled monthly on a"	Although one of the secondary definitions of "effluent" is wastewater discharge, "effluent" is primarily described as the " <i>water flowing out of a treatment system, unit or device</i> ". This is the primary definition of "effluent" that can be found in the Merriam-Webster Dictionary; the American Heritage Dictionary; the Drinking Water Dictionary of the American Water Works Association (AWWA); and the Glossary of Water and Wastewater Control Engineering of the American Public Health Association, the American Society of Civil Engineers, the AWWA and the Water Pollution Control Federation. No changes to the regulation text are proposed.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	09	H - Monitoring Program	"same as above comment. bad word choice PAGE 11 (e)If an on-going POU effluent sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public water system shall:"	Please see response to Commenter 02, Comment 08.
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	10	K - Compliance	"shouldn't there be some wiggle room so a violation is not triggered on a bad sample? I would think that five percent of the samples over a year could exceed the limit so there was room for an individual unit which was overrun through some excessive use anomaly didn't mean the entire program was at fault? PAGE 11 (e)If an on-going POU effluent sample result exceeds an MCL for a contaminant other than nitrate, nitrite, nitrate plus nitrite, or perchlorate, the public water system shall:"	Staff concur that the addition of compliance determination text is warranted. Subsequent to the 45-day comment period, §§64418.8 and 64420.8 were added to the proposed regulation text, as presented below. The regulation text revision was re-noticed for an additional 15-day public comment period. <b>"§64418.8. Compliance.</b> (a) A public water system using POUs in lieu of centralized treatment shall be in violation of an MCL if: (1) for all POUs combined, during a 12-month interval more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64418.5 exceed an MCL, (2) for a POU, the effluent fails to meet the MCL, which is determined in accordance with the applicable compliance determination requirements in this Title. Depending on the contaminant and concentration detected, compliance determination may be based on the result of a single sample, an initial sample averaged with one or two confirmation sample(s), or an average of four quarterly or six monthly samples; or (3) a building or dwelling unit served by the water system does not have a POU installed pursuant to this Article."

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					<p><b>§64420.8. Compliance.</b></p> <p>(a) A public water system using POEs in lieu of centralized treatment shall be in violation of an MCL if:</p> <p>(1) for all POEs combined, during a 12-month interval more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64420.5 exceed an MCL,</p> <p>(2) for a POE, the effluent fails to meet the MCL, which is determined in accordance with the applicable compliance determination requirements in this Title. Depending on the contaminant and concentration detected, compliance determination may be based on the result of a single sample, an initial sample averaged with one or two confirmation sample(s), or an average of four quarterly or six monthly samples; or</p> <p>(3) a building or dwelling unit served by the water system does not have a POE installed pursuant to this Article.</p>
02	<a href="#">Glenn Reynolds, Water Solutions Incorporated</a>	11	K - Compliance	"why strike this. I argue we should leave it in. PAGE 14 d)A public water system shall be in violation of the MCL if: (1)for all POU's combined, during a 12-month interval more than five percent (5%) of the results of the effluent monitoring conducted pursuant to section 64418.5 exceed an MCL"	Please see response to Commenter 02, Comment 10.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	01	A - Support of the Proposed Regulations	"We share the Board's interest in ensuring that households have as little disruption as possible in accessing safe drinking water within their homes and share the following suggestions for improving the program."	The comment is appreciated.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	02	G - O&M Program	"Treatment devices are only as effective as they are adequately operated and maintained. We think the regulations do a good job of ensuring proper O/M by requiring a life-cycle cost comparison, the submission and proactive board approval of an Operation and Maintenance Plan, and requiring proof of 24/7 service availability for the in-home units."	The comment is appreciated.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	03	C - General Provisions	"The statute for which these regulations are being promulgated has some specific requirements that are not currently reflected in the regulations, specifically, the limitation on the size of the community water system that is eligible for this option. We suggest the following amendment: §64418(a) A public water system <i>of less than 200 connections</i> , except for a proposed new community water system that does not have a domestic water supply permit, may be permitted to use POU's in lieu of centralized treatment ..."	References to Health and Safety Code §116380(a), which restricts the size of eligible water systems, were added to proposed §§64418(a) and 64420(a). The revised text of the proposed regulations was re-noticed for an additional 15-day public comment period.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	04	C - General Provisions	"... statute does not specify that a system must apply for public funding sources to be eligible for this compliance option. We suggest the following amendment: §64418(a)(2)(A) [has] applied for funding from any federal, state, <del>or</del> local <u>agency or private source</u> to (A) correct the system's violations;"	Applications for public funding tend to include the details necessary to evaluate whether the terms of Health and Safety Code 116380(a)(3) are met, specifically, the requirement that the application is for funding to correct the violations for which the POU or POE treatment is to be provided. In addition, requiring that private funding be applied for is problematic without clear requirements. For example, how many banks would an applicant have to contact before that requirement was met? Similarly, what sort of terms would a system be willing to reject? No changes to the regulation text are proposed.



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03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	05	C - General Provisions	"... the statute limits the granting of a permit to three years. We suggest the following amendment: <del>§64418(a)(3) the public water system has applied for a permit or permit amendment to use POU-</del> <u>upon completion of pilot testing and determination of a specific POU device pursuant to Section 64418.3. Any approved permit or permit amendment will be for a three (3) year term with the option to reapply for an amendment every three (3) years.</u>	References to Health and Safety Code §116552, which restricts the permit terms, were added to proposed §64418(a)(3) and 64420(a)(3). The revised text of the proposed regulations was re-noticed for an additional 15-day public comment period. See also the response to Commenter 03, Comment 11.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	06	C - General Provisions	"The intent of these regulations is to ensure that a public water system continues to provide safe drinking water to its customers while developing and implementing permanent solutions. Unfortunately, we have had an experience ... in which the system was deemed compliant due to installation of POU devices, but then ruled ineligible for planning/feasibility funding based on that compliance. ... we'd like the following language included in the regulations: <u>New section §64418(a)(7) Neither the application for, nor the approval thereof, a permit or permit amendment shall be construed as compliance with state and federal Safe Drinking Water Act standards as they apply to funding eligibility for planning or construction funding from the Safe Drinking Water State Revolving Fund or other Funds administered by the State Water Resources Control Board."</u>	Implementation of a POU or POE device as a temporary means of compliance with drinking water standards does not preclude water systems from funding eligibility. Factors considered in the determination of funding eligibility are listed in the Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP), which is prepared by the Division of Financial Assistance (DFA) and adopted annually by the State Water Board. No changes to the regulation text are proposed.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	07	C - General Provisions	"We also are concerned with the presumption that 100% of customers must agree to installation in order for the system to be deemed in compliance. This is an extremely high and in many, if not most, cases impossible bar for a public water system to reach. ... One suggestion might be the addition of a customer notification program as one of the requirements of the program, either instead of or in addition to the rote notification process contained in the current regulations. Here's a suggestion: <u>New section §64418(a)(5)(D). POU education program that identifies the public hearing required by HSC 116552, the process by which each customer will be notified, multiple types of followup for non-responsive customers, and notification of residential customers who refuse access for installation/monitoring maintenance of POU device.</u> We might then amend related sections as follows; <del>§64418(a)(6) the public water system ensures that each building and each dwelling unit, commercial building or other establishment or institution, served by the</del> <u>connected to the public water system, has a POU installed pursuant to this Article, unless the dwelling unit has refused access for installation/operation/maintenance of POU after implementation of the Education Program identified in section (5)."</u>	40 CFR 142.62(h)(6) requires that " <i>The State must be assured that buildings connected to the system have sufficient point-of-use or point-of-entry devices that are properly installed, maintained, and monitored such that all consumers will be protected.</i> " State regulations cannot be less stringent than federal regulations. No changes to the regulation text are proposed.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	08	C - General Provisions	"... in our experience it is common for a small minority of customers to choose not to comply with a POU installation request, and rare that a system will achieve 100% compliance. ... <del>§64418(b) but the public water system will not be deemed in compliance without meeting</del> <u>unless customers served by at least 75% of connections served by the public water system meet</u> the requirement of subsection (a)(6)."	Please see response to Commenter 03, Comment 07.

**Draft Response to Written Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/Organization	Comment ID	Category	Summarized Comment/ Proposed Regulation Change	Draft Response
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	09	D - Immediate Economic Feasibility of Centralized Treatment	"Rather than use an MHI formula to determine economic feasibility, why not use the cost of the project and the expected schedule for obtaining funding? ... If a system requests public funding for installing the interim system, the eligibility formula listed in 64418.1 may be appropriate. But subsidies for interim solutions are not part of this regulation."	The median household income (MHI) formulas consider the cost of public drinking water supply and other household expenditures, as explained in the Initial Statement of Reasons, which may be found at < <a href="https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/docs/pou_poe_isor2017_to_oal.pdf">https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/regulations/docs/pou_poe_isor2017_to_oal.pdf</a> >. If a community water system meets the requirements stated in the proposed §64418.1(a) or 64420.1(a), then centralized treatment is not considered "immediately economically feasible", and the water system may be permitted to use POU or POE treatment, according to the proposed §64418(a)(2)(B) and 64420(a)(2)(B). Proposed §64418.1 and 64420.1 do not specifically pertain to the ability of a water system to obtain funding for centralized treatment or for POU or POE treatment. No changes to the regulation text are proposed.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	10	D - Immediate Economic Feasibility of Centralized Treatment	"We strongly feel that communities should have as little interruption as possible in the provision of safe drinking water. We think it would be helpful to include a definition of "immediately" either in the definitions section or when the term is introduced in §64418(a)(2)(B). Potential language might say <u>"Not immediately economically feasible" is defined as that provision of safe drinking water through installation of centralized treatment cannot be achieved by the public water system without access to an outside funding sources; and that financing and installation of such a system will take longer than 90 days."</u>	State Water Board staff agree that there should be as little interruption in the provision of safe drinking water as possible while water systems are pursuing a permanent, centralized means of ensuring compliance with drinking water standards. Even without financial or economic impediments, the time required to complete design, financing, installation, etc. for a centralized treatment system will vary based on the site conditions, the contaminant to be treated, and the selected treatment method. While 90 days might, in some instances, be an appropriate timeframe, for many others it will not.  No changes to the regulation text are proposed.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	11	F - Treatment Strategy	"Several contaminants, including Uranium, 1,2,3-TCP and Hexavalent Chromium, currently have no 3rd-party certified devices. ... We think this provides an opportunity to work with the Board to identify pilot testing protocols that will allow devices to be approved for these contaminants and for POE systems. ... We recommend the inclusion of the following: 64418.3(a)(11): Add "Pilot Test" or "Pilot Test Plan" between (C) and (D).	In general, POU and POE devices must be certified in accordance with an ANSI standard for the targeted contaminant. In the event there is no applicable ANSI certification standard available, the proposed §64420.2(a)(2) describes the mechanism by which a device may be approved by Water Board staff following a review of the POU or POE unit's design, construction, treatment performance, and available field or pilot test results. The need for pilot testing and pilot testing protocol is addressed in proposed §64418.2 and 64420.2. Because water systems need to comply with these sections first (i.e., they need to conduct pilot testing before they provide the information listed in proposed §64418.3 and 64420.3), the suggested language is not necessary. No changes to the regulation text are proposed.
04	<a href="#">Cindy Ziernicki, Helix Water District</a>	01	I - Public Hearing and Acceptance	I recommend that the following sentence be removed or replaced from 64418.6 3 (for POU) and 64420.6 3 (for POEs) <i>"The survey shall be delivered in a manner designed to reach each customer and in the language appropriate for communication with the customers."</i> If replaced, I propose the following language: <i>"The survey shall be delivered in English and Spanish to all customers. In addition, for each non-English speaking group other than Spanish-speaking that exceeds 1,000 residents or 10% of the residents in the community, the system must include the survey in the appropriate language(s)."</i>	Health and Safety Code §116380(a) restricts the use of POU and POE treatment by public water systems in lieu of centralized treatment to those systems with less than 200 service connections, so the suggestion that additional languages be required if at least 1,000 residents speak that language is not relevant to the proposed regulations. In addition, for POU/POE treatment to be effective in providing safe drinking water, and to confirm compliance with Health and Safety Code §116552 requirement that there be no substantial community opposition to the installation of the treatment devices, water systems must be able to communicate to each customer affected. No changes to the regulation text are proposed.

**Draft Response to Written Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/Organization	Comment ID	Category	Summarized Comment/ Proposed Regulation Change	Draft Response
04	<a href="#">Cindy Ziernicki, Helix Water District</a>	02	I - Public Hearing and Acceptance	I recommend that 64418.6 3.c.1 (for POU) and 64420.6 3.c.1 (for POEs) "The sum of the number of non-voting customers and the number of customers voting against POU or POEs, is less than half of the total customers" be removed. Based on 64418.6 3.c.1 (for POU) and 64420.6 3.c.1 (for POEs) current criteria, the expectation that "The sum of the number of non-voting customers and the number of customers voting against POU or POEs, is less than half of the total customers", over 50% of ALL customers (not just survey responders) would need to vote with a positive response in order for a community water system to not have substantial community opposition. It is not recommended to have a requirement based on how customers will respond to a survey, particularly when the response expectation is much greater than an average survey response. Based on our own in-house surveys and survey organizations, a "good" survey response rate is approximately 15%. According to Surveygizmo.com, "the average response rate for external surveys is 10 – 15%." According to Benchmarkemail.com, "it is not possible to provide a "typical" or "normal" response rate with surveys, since many different factors contribute and the results differ from business to business. Generally speaking, an email open rate of 15-20% is considered "good." However, not everyone who will open your email will participate in your survey. Therefore, you can expect the percentage of subscribers who respond to the survey to be even less than that."	While State Water Board staff recognize that the proposed text represents a high bar, community buy-in is crucial to the success of a POU/POE program. The proposed text was written to encourage community participation to ensure compliance with the Health and Safety Code §116552 requirement that there be no substantial community opposition to the installation of the treatment devices. No changes to the regulation text are proposed.
05	<a href="#">Alan Tandy, City of Bakersfield</a>	01	A - Support of the Proposed Regulations	"The City of Bakersfield is a public water supplier and staff strongly believes the proposed regulations increase the ability of Bakersfield and other public water suppliers to deliver drinking water to consumers that is, at all times, pure, wholesome and potable. Centralized treatment of drinking water is not always economical or efficient, and the proposed regulations provide a reasonable and practical alternative to centralized treatment of drinking water. Additionally, the City believes the proposed regulations are consistent with the statutory requirements of the California Safe Drinking Water Act, and other California and federal statutes and regulations governing the provision of domestic water to the public. The City of Bakersfield therefore urges the Water Board to adopt the proposed revised regulations governing the use of POU treatment and POE treatment by, public water systems."	The comment is appreciated.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	01	A - Support of the Proposed Regulations	"On behalf of the above-listed organizations, we appreciate the opportunity to comment on the proposed permanent regulations governing the approval of point-of-use (POU) and point-of-entry (POE) water treatment devices as an interim measure for small communities that lack safe drinking water. We share the Board's interest in ensuring that households have as little disruption as possible in accessing safe drinking water within their homes and share the following suggestions for improving the program."	The comment is appreciated.
03	<a href="#">Leadership Counsel for Justice and Accountability, Community Water Center, Self-Help Enterprises, Clean Water Action</a>	02	C - General Provisions; D - Immediate Economic Feasibility of Centralized Treatment; F - Treatment Strategy; G - O&M Program	"Our organizations submitted comments at the November 30 deadline that reflected our experiences in implementing point-of-use and point-of-entry treatment, and provided specific language to address the concerns we raised. We appreciate that, having acknowledged our comments, the Board is under no requirement to actually respond to them. However, given our good relationship with staff, we were surprised and disappointed that we were not contacted about our suggestions, and that none of our proposed edits were incorporated into the final (Dec. 21, 2017) draft. "Rather than submit essentially the same letter, we would simply request a meeting with staff to review our suggestions and the reason for not incorporating them."	Staff have carefully considered all comments received, and responses to each comment are provided herein. In particular, Commenter's Comments 03 and 05 were incorporated by revising the text of the proposed regulations, as described in the responses to those comments. Commenter's requested changes in Comments 04, 07 and 08 could not be accommodated because state regulations cannot be less stringent than federal regulations. References to relevant sections of the Health and Safety Code are provided in the responses to those comments.

**Draft Response to Written Comments for Proposed Point-of-Use and Point-of-Entry Treatment - Permanent Regulations**

Commenter ID	Commenter Name/Organization	Comment ID	Category	Summarized Comment/ Proposed Regulation Change	Draft Response
06	<a href="#">Andrew DeGraca, San Francisco Public Utilities Commission</a>	01	C - General Provisions	<p><i>"§64418 (b): General Provisions</i>  <i>"With State Board approval and without having to meet the requirement of subsection a public water system may utilize POU's in lieu of centralized treatment for the purpose of reducing contaminants, other than microbial contaminants, volatile organic chemicals, or radon, to levels at or below..., but will not be deemed in compliance without meeting the requirement of subsection (a)(6). A public water system's application for a permit to utilize pursuant to this subsection may include a request..."</i></p> <p>"The first part of the rule under this section is unclear and confusing to readers since it states that a public water system may be approved without meeting the requirement of subsection (a)(6), but then states in Section 64418.8 (a)(3) that the system will be out of compliance if not meeting 64418(b) requirement. Why would the system be granted with the approval for POU use in the first place if this would put the system out of compliance? We suggest clarifying this requirement."</p>	<p>This paragraph is intended to allow discrete portions of a water system, such as schools within a public water system, to use POU/POE to achieve water quality standards on an accelerated schedule while a permanent solution is being developed and implemented for the overall water system. Using POU treatment in such a circumstance would not put a system out of compliance as it would already be out of compliance. Neither, however, will it bring the overall water system into compliance. No changes to the regulation text are proposed.</p>
06	<a href="#">Andrew DeGraca, San Francisco Public Utilities Commission</a>	02	D - Immediate Economic Feasibility of Centralized Treatment	<p>"§64418.1: Immediate Economic Feasibility of Centralized Treatment</p> <p>"The requirements to compare the costs of centralized treatment to the use of POU may not entirely apply to some of the community water systems. For example, the SFPUC's Moccasin Compound Water System would not be able to provide the economic feasibility listed since the rate base does not necessarily cover the capitalization for this system. We suggest adding alternative calculation costs to allow all other systems to meet this requirement."</p>	<p>Whether rates for a particular water system cover the capitalization for a system, this proposed §64418.1 does not inhibit such a system from completing the economic feasibility analysis set forth in the proposed regulations. No changes to the regulation text are proposed.</p>
06	<a href="#">Andrew DeGraca, San Francisco Public Utilities Commission</a>	03	F - Treatment Strategy	<p>"§64418.3 (11)(M): POU Treatment Strategy</p> <p>"If the water system is permitted to use POU's in lieu of centralized treatment for reducing contaminants to achieve compliance, why is the system still required to construct centralized treatment? Since this section requires a schedule for the construction of centralized treatment, we find that the SWRCB doesn't intend to allow POU's as a permanent solution for MCL compliance. This regulation imposes many hurdles including: [...]</p> <p>"Together with the need for construction schedules for a centralized treatment and the above restrictions, we find the proposed regulation may discourage water system to use POU for compliance."</p>	<p>Health and Safety Code §116522 requires that <i>"The issuance of a permit pursuant to this section shall be limited to not more than three years or until funding for centralized treatment is available, whichever occurs first."</i></p> <p>The proposed regulations are intended to allow the use of POU/POE treatment as a temporary means of attaining water quality standards, while a permanent, centralized solution is developed and implemented, consistent with the requirements of HSC 116522. For some systems, however, it may be necessary to continue to renew the three-year permit terms because centralized treatment remains economically infeasible. No changes to the regulation text are proposed.</p>
06	<a href="#">Andrew DeGraca, San Francisco Public Utilities Commission</a>	04	K - Compliance	<p>"§64418.8 (a)(1): Compliance</p> <p>This section refers incorrectly to Section 64420.5, which is applicable to POEs. The reference should be corrected to refer to Section 64418.5, which is applicable to POU's."</p>	<p>Staff thank the Commenter for bringing this to staff's attention. HSC §64418.8 (a)(1) has been revised accordingly.</p>